

***EXHIBIT F.1***

October 13, 2009

Board of Prison Commissioners Meeting:

Out of Respect for an innocent man, Nolan Klein, who recently died in prison, I ask this Board to allow me read NOLAN'S LETTER to them after I have finished with my public comment. His letter pertains to what we have discussing for years.

As an Advocate for the inmates and for the Innocent I am here to give you the prime example as to why we need an OVERSIGHT COMMITTEE and OMBUDSMAN'S FOR EVERY PRISON INSTITUTION WITHIN OUR STATE.

Inmates are being denied access to practice their Religious beliefs that have been set in place in the AR 810. The agreement with the court was if they did not follow AR810 then all federal funding should be pulled from NDOC. They have yet to comply with this agreement. I've been informed that if NDOC does not comply with the agreement established within the court to allow the religious groups to function as they use to they will take back into court. They are not asking for anything they didn't have before. You will be given a one month notice to comply with Nolan Klein's court agreement or the inmates will begin taking legal actions against NDOC and ask the all federal monies to be taken away.

In the meantime, NDOC has informed me that due to an NRS statute unknown to me (ATTACHED) they are required to hold on to all of Nolan's personal property for 40 days. Due to AG Masto's Motions that have been filed in several of Nolan Klein's court proceedings in our Nevada Supreme Court and federal courts, including the 9<sup>th</sup> Circuit Court of Appeals in an attempt to stop Nolan's on going litigations. We have been ordered to appear in Federal Court on Oct. 28, 2009 regarding the cases in Klein V Bisbee and Klein v Corda. NDOC is in the control and custody of Nolan's personal property that will be required for us to argue against AG Masto at the upcoming hearing. I ask this Board to grant me access to Nolan's property now, so that we will be prepared to fight against these Motions that AG Masto has filed? (ATTACHED)

MEDICAL NEGLIGENCE LIES WITH IN NDOC. I base this on the following facts. On the morning of September 21, 2009 I received a call from the NDOC's Chaplain to inform me of my innocent brother's passing. I immediately informed his attorney's of Nolan's passing who were in the process of filing that day a Motion for bail and a MOTION FOR NEW TRIAL based on newly discovered evidence that Washoe County ADA Ron Rachow with held evidence that showed another person was responsible for the crime for which my brother was convicted of.

It is a fact that Nolan Klein would still be alive today and living outside the prison walls if he had been treated for a life threatening disease called Hemochromatosis that is a preventable and a treatable disease, untreated, it leads to Liver failure among other medical problems. NDOC and the PARDONS BOARD, knew of this life threatening



disease when they were provided a copy of his medical conditions during the October 29, 2008 PARDONS BOARD HEARING. (ATTACHED)

It was not until approximately 20 months after NDOC knew of Nolan Klein's condition that they started the treatment, and this only because I had just found out what he had and I had contacted Director Skolnik about the lack of treatment for Nolan Klein. Director Skolnik had Nolan immediately transferred back to RMF to begin his treatment. Nolan had one treatment and he said it felt like a miracle, his liver quite hurting.

The following week he was rushed to the hospital at a cost in excess of \$55,000.00 (attached). Had Nolan been treated for this medical condition this would not have happened for several years. . Nolan's death certificate is NOT ACCURATE. Hemochromatosis should have been listed as a CAUSE OF DEATH! (ATTACHED) An innocent man DID NOT HAVE TO DIE IN PRISON, BUT, HE DID.

This is THE PRIME EXAMPLE why we need an Oversight Committee and Ombudsman's at each institution.

I ask that you turn to the last page of the information I have provided to you.



Tonja Brown  
2907 Lukens Lane  
Carson City, NV 89706

It would appear that Members of our Pardons Board, 4 of which, are running for re-election would rather CONDONE THE ACTIONS of a former ADA Ron Rachow who violated BRADY v MARYLAND BY THE WITHHOLDING THE EVIDENCE THAT SHOWED SOMEONE ELSE WAS RESPONSIBLE FOR THE CRIME FOR WHICH AN INNOCENT MAN, NOLAN KLEIN WAS CONVICTED and ultimately died from this ongoing cover up. This is clearly demonstrated by their refusal to place Nolan Klein for an exoneration on the upcoming November's Pardons Board Agenda.

We must take a stand and make our voices be heard that we, the people, will no longer allow our justice system to turn a blind eye to the wrong doings of over zealous prosecutors who have an agenda, for on crime there is one conviction. We must protect the innocent. Only we the people can stop this, by not allowing this type of corruption to continue. Who will be the next innocent person to die in prison for a crime they did not commit? Who will be the next person to die in prison from medical negligence?



Nolan sits and waits for his freedom to come.

## CHAPTER FOURTEEN NOLAN'S LETTER...

I was asked to write the final chapter of this book for the simple reason that I am the one single person most affected by the matter and possible criminal activities. I am the example of judicial neglect. While I do not portray or present myself as being a writer to any significant degree, I do know how I have been affected personally over what is now approximately thirteen years of my life as an incarcerated person.

While I understand that when most people read books, whether it be fiction or non-fiction, they reasonably anticipate or expect happy, or at least acceptable conclusion, but I do not believe that you will find either here, and for that I apologize. There can never be a happy or remotely acceptable ending to this particular chapter in my life. The reasons are numerous.

To start with as I write this I do so from my prison cell at the Nevada State Prison (NSP) where I still sit for a crime I did not commit. Even if I were to be released tomorrow, thirteen years of my life are just gone, never to be replaced. It just can't be done. No matter how hard I might try. The end result is nothing more than permanent damage and sense of loss to me, both physically and mentally.

When I was arrested in 1988, my son was one year old. Today he is almost fourteen. These are probably the most important and impressionable years of his life and any opportunity to take part



that and help shape him as a person for his future has been taken away from me unjustly. It is not possible to find a means to replace that in his life or mine.

Additionally, the first eight years of my incarceration were spent in Nevada's maximum security institution which, in general, is supposed to be where Nevada's most violent and dangerous criminals are housed. While this is true in theory, there are still numerous prisoners housed in maximum that have no business being there. During my eight years in max, I saw so many stabbings and other random acts of serious violence that I have become desensitized to pain and death. I can see it and just pay no attention or care about it one way or another. While these acts of violence went on more at max, they still happen here at NSP quite often, in fact, just yesterday. But I still view them the same. I pay no real attention because it is none of my business and does not directly concern me. I find this to be a troubling commentary on my mental state. I have no clue if I will ever overcome this and return to my normal self if I am ever released.

I have been shot at more times than I can remember, not because prison guards were shooting directly at me, but because they were shooting at prisoners next to or in close proximity to me. Because of this coupled with all of the violence that I have endured around and directed at me, I have acquired a paranoia that I have no idea if I can ever lose. I am constantly looking around me in every direction. It freaks me out to have anyone behind me because I just don't know what they might be thinking at that moment. I don't know if any of these problems can ever be repaired, but my personal sense of loss, as I see it now, is staggering to me.

When I first got to prison I realized that if this could happen to me, it could happen to anyone, including family or other loved ones. I went to work in the prison law library, then took a couple of years in law through correspondence courses, as well as some offered by the State College system at the prison, and learned through research that it didn't have to happen. If you know the law and how it works, even a person with a public defender that doesn't give a shit about you or your case, you can guide the defense or otherwise protect your rights. So I took my case into my own hands and started from there.

What I didn't realize until later was that the State justice system, police or district attorney did not give a shit. If they had made a

mistake in convicting me, they really didn't want to hear it. I mean after all, all prisoners think they shouldn't be in prison, what's one more. All they cared about was that they balance the books - one conviction for one crime. They didn't care how they got the books to balance or whether the accused was the right person or not. They would probably make great accountants. We've all seen it on T.V. and in newspapers recently "DNA frees man" after 10 - 15 years because he was innocent. Why two TV stations have offered to pay for my tests, but unfortunately, they've taken all the evidence and I don't have any DNA left to test. However, you always see the prosecutor looking totally surprised. Gee, it must have been the other guy after all, but to the public, they maintain that they believe they had the right guy. They never say, "Hey, we fucked up." This is simply because it would undermine their prosecuting ability and their public posturing which could turn into a political nightmare in the future.

The same is true for State district court and Supreme Court judges. When faced with a decision of convicting the wrong guy or convicting no one, they choose the wrong guy every time. An uneven balance sheet come election time could bite them in the ass. Nevada's Supreme Court has openly admitted that during a national conference for Supreme Court justices that they were the butt of jokes because of their in-house bickering and inconsistent opinions. The Nevada Supreme Court also has a policy which discriminates against the poor. Basically, if you cannot afford a private attorney, or the court doesn't appoint one to represent you then your appeal sits for years before the court, in most cases, it will eventually be summarily dismissed. Over the years I have watched this pattern through my case and numerous others, and have come to the reality that State elected courts never seem to address the important issues when you are acting on your own, but instead choose one minor issue and dismiss the case rather than decide the major issues that are crying for resolution. In other words, it's not the words. If Nolan Klein says it, they don't want to listen, but if an attorney says it, they brag that it will be processed within one year now that they have new "fast track" system. My case is filed "in pro per" because I represent myself. My case has been pending for decision by the Supreme Court of Nevada for 2 and 1/2 years.

The current parole board is no better. They have told me that they felt their predecessors were too good for paroling prisoners



from sentence to sentence indicating that they were going to fix that little indiscretion and have further made it clear to me that until I come to them and admit guilt and show remorse, I will never get out of prison.

So, because I will not sway from the fact that I didn't commit this crime, I will never be released from prison, I just will not say I did this crime when I know I did not, nor should I have to in order to be released. Nonetheless, if that means spending the rest of my natural life in prison, so be it.

Unfortunately, it's easy for anyone reading this to ignore it. That is, until it happens to you or someone you know. In this country we make almost everything illegal to some degree or another, so don't think it can't happen to you. All it takes is a couple of up and coming detectives and a newly elected prosecutor and you being in the wrong place at the wrong time. That prosecutor and that detective have a balance sheet that needs to be completed and you can wind up understanding this better than you ever imagined.

With the exception of the last eight months I have always looked at my circumstances and life as if I would simply die in prison. However, for the last six to eight months I have had renewed hope. Unfortunately, after re-evaluating the judicial process as I have observed it in its entirety, it's probably a false hope. When viewed over the last twelve years, it would appear more to me that my initial position is correct. The simple truth is that because the judicial system in Nevada, as well as the parole board, are motivated by what is politically favorable rather than what is right, guilt or innocence is totally irrelevant to the process itself. The American public wants criminals in jail because they are tired of being afraid in the streets and tired of being victims. That fear causes the elected prosecutors to be entirely motivated to make certain that for every crime there is a criminal. As such, I feel the need to face the reality that I will spend the rest of my life in prison for a crime I did not commit, whether my life ends tomorrow by the act of another or in twenty years by natural causes.

Signed,

Nolan Klein #28074  
Nevada State Prison  
April 2001

## EPILOGUE

In 2002, Nolan Klein and his attorney sent a letter to the Governor pointing out the discrepancies in the Parole Board policy.

"Dear Governor Guinn:

This letter is directed to you in order to bring your attention to the Parole Board policies and their interpretation of them. I am an attorney in Reno. I practice in the civil area of the law. I have, however, become interested in the punishment aspect of criminal law because of my representation of Nolan Klein with publishers. Also, I've always had this notion that there really ought to be some standard for justice. I'm one of the die hard idealists that wants to believe that a fair judicial system and a fair penal system could make a difference.

You will recall that you recently asked for a 3% decrease in spending by the Nevada Department of Corrections. Additionally, for quite some time there has been considerable media time given to the fact that the prison population is simply too high and Director Crawford would like to change that through positive program training and other means.

My dealings with Director Crawford have always been positive. She answers the questions that I've asked and tells me her reasons for the answers. She is on the right track, in my opinion, for reducing the prison population, with the direct result of a reduction in spending tax dollars. The problem with the high prison population could

BOARD OF COMMISSIONERS  
JIM GIBBONS  
GOVERNOR  
CATHERINE CORTEZ MASTO  
ATTORNEY GENERAL  
ROSS MILLER  
SECRETARY OF STATE



# STATE OF NEVADA DEPARTMENT OF CORRECTIONS

Northern Nevada Correctional Center  
P. O. Box 7000  
Carson City, NV 89702  
(775) 887-9297  
FAX (775) 887-9267



HOWARD SKOLNIK  
DIRECTOR

DON HELLING  
DEPUTY DIRECTOR

JAMES BENEDETTI  
WARDEN

September 30, 2009

Tonja Brown  
2907 Lukens Lane  
Carson City NV 89706-1107

Reference: Affidavit of Distribution Without Administration

Dear Ms. Brown:

Enclosed please find another affidavit that must be completed and returned to the institution. You may not make any changes to the affidavit. The 40 days indicates that the inmate's property will be distributed 40 days after his death. Please sign the affidavit and return it to this office without making any changes. The affidavit is kept on file until 40 days after the inmate's death. You may contact the Property Sergeant, Sgt. Murguia, after the 40 days have elapsed and make arrangements with him to pick up your brother's property.

Sincerely,

Jim Benedetti, Warden  
Northern Nevada Correctional Center

JB:ane

cc: title  
Property Sgt.



**AFFIDAVIT OF DISTRIBUTION WITHOUT ADMINISTRATION**

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

Comes now \_\_\_\_\_, and swears as follows:

1. That my residence address is \_\_\_\_\_ and  
that I am entitled by law to succeed to the property claimed;
2. That the decedent, \_\_\_\_\_, was a  
resident of Nevada at the time of his death;
3. That the gross value of the decedent's property in this state, except amounts due to  
the decedent for services in the Armed Forces of the United States, does not exceed  
\$20,000, and that the property does not include any real property nor interest  
therein, nor mortgage or lien thereon;
4. That at least 40 days has elapsed since the death of the decedent;
5. That no petition for the appointment of a personal representative is pending or has  
been granted in any jurisdiction;
6. That all debts of the decedent including funeral and burial expenses, and money  
owed the department of human resources as a result of payment of benefits for  
Medicaid, have been paid or provided for;
7. That affiant claims the following personal property in total:
8. No other person has a claim equal to or superior to that of the affiant;
9. That the affiant is personally entitled, or the department of human resources is  
entitled, to full payment or delivery of the property claimed or is entitled to  
payment or delivery on behalf of and with the written authority of all other  
successors who have an interest in the property; and,
10. That the affiant acknowledges an understanding that filing a false affidavit  
constitutes a felony in this state.

Further, Affiant sayeth naught.

\_\_\_\_\_  
SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_,  
200\_\_\_\_.

\_\_\_\_\_  
Notary Public



1                                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2  
3       NOLAN KLEIN,

4                                   Appellant,

5                   vs.

6       HOWARD SKOLNIK,

7                                   Respondent(s).

                                  CASE NO. 53655

8                                   **SUIGGESTION OF DEATH**

9           Respondents, by and through counsel, CATHERINE CORTEZ MASTO, Attorney  
10   General of the State of Nevada, by this pleading suggests pursuant to Fed.R.Civ.P. 25(a)(1), the  
11   death of the petitioner Nolan Klein. This suggestion is made and based on the attached copy of  
12   the certificate of death (attached hereto as Exhibit 1). Based upon the death of the petitioner,  
13   Respondents respectfully submit that this action should be dismissed.

14                   RESPECTFULLY SUBMITTED this 2nd day of October, 2009.

15                                   CATHERINE CORTEZ MASTO  
16                                   Attorney General

17                                   By: /s/ Robert E. Wieland  
18                                   ROBERT E. WIELAND  
19                                   Senior Deputy Attorney General  
20                                   Nevada Bar No. 890  
21                                   5420 Kietzke Lane, Suite 202  
22                                   Reno, Nevada 89511  
23                                   (775) 688-1818

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the Office of the Attorney General of the State of Nevada and that on this 2nd day of October, 2009, I served a copy of the foregoing SUGGESTION OF DEATH, by mailing a true copy, postage prepaid, to:

Tonya Brown  
2907 Lukens Lane  
Carson City, Nevada 89706

\*Next of Kin

/s/ Kahra Stenberg  
An Employee of the Office  
of the Attorney General



Board of Commissioner  
Jim Gibbons  
Governor  
Catherine Cortez Masto  
Attorney General  
Ross Miller  
Secretary of State



# STATE OF NEVADA DEPARTMENT OF CORRECTIONS



Howard Skolnik  
Director

Northern Administration  
P.O. Box 7011, Carson City, NV 89702  
Phone: (775) 887-3216 • Fax: (775) 887-3138

Southern Administration  
3955 W. Russell Rd., Las Vegas, NV 89118  
Phone: (702) 486-9991 • Fax: (702) 486-9908

To: Pardon's Board

From: Delmar Snider, M.D. Senior Physician, WSCC

Date: October 2, 2008

Subject: Klein, Nolan – NDOC# 28074

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Mr. Klein is a 54 year old white male with a number of medical problems. He has Hepatitis C and has cirrhosis of the liver with elevated ammonia levels. He also has hemochromatosis.

q

The patient had a fracture of his right leg in 1980 and now walks with a cane. He also has benign prostatic hypertrophy.

His current medications include Dyazide daily, Zantac 150mg BID and Flomax 0.4mg daily.

If you need any further information I can be reached at Warm Springs Correctional Center, (775)684-3087.

DS/dh

TOP, UNSHADED PORTION TO BE FILLED OUT BY INMATE PATIENT

Signature

Nolan Klein

DOC# 28074

Institution

WSEC

Date Submitted

6/29/09

Unit/House

4B/32A

☒ MEDICAL ☐ DENTAL ☐ MENTAL HEALTH ☐ NURSING ☐ OTHER

NOTICE: You may be charged in accordance with AR 245

Reason for

request: Approx. 3 weeks ago the doctor told me he was setting it up for me to see Dr. Gedney. I haven't went as of this so could you please check on this, as I still need to see the doctor, even moreso now. Thank you

DO NOT WRITE IN SHADED AREA BELOW

RESPONSE TO REQUEST:

\* scheduled to see Dr. Man Thins. 9 july 09

CX 13145 6 july 09  
nm: Cullab

- ☐ Appointment scheduled for \_\_\_\_\_ Rescheduled for \_\_\_\_\_  
☐ No visit necessary.  
☐ No Show for Appointment  
☐ Refused to be seen. DOC 2523, Release of Liability signed.

PRESCRIPTIONS:

☐ KOP

☐ NON-KOP

☐ Ordered on \_\_\_\_\_

PLAN:

☐ Follow-up appointment \_\_\_\_\_

☐ Return if needed

☐ No follow-up required

Signature/Title of Provider

Date

NEVADA DEPARTMENT OF CORRECTIONS

NAME

Klein

Nolan

E

LAST

FIRST

MI

MEDICAL KITE and/or  
SERVICE REPORT

DOP # 28074





**CARSON TAHOE**  
Regional Healthcare

PLEASE REMIT TO:  
Post Office Box 2227  
Carson City, Nevada 89702-2227  
(775) 885-4727

TYPE OF BILL: STATE OF NV. PAGE NO. 9  
DL-I/P 08/07/09

PATIENT NAME <b>NOLAN KLEIN</b>	ADMISSION DATE <b>07/25/09</b>	DISCHARGE DATE <b>07/29/09</b>	PATIENT NUMBER <b>0920600099</b>
INSURANCE COMPANY NAME(S): <b>400204 NEVADA STATE PRISON - INMATE</b>			

GUARANTOR NAME AND ADDRESS  <b>NOLAN KLEIN 1721 EAST NYDER AVE CARSON CITY NV 89702</b>	AMOUNT ENCLOSED \$ <input type="checkbox"/> MASTERCARD <input type="checkbox"/> VISA  CARD NO. _____ EXP. DATE _____ SIGNATURE _____
--	--

IF YOU HAVE ANY QUESTIONS ABOUT YOUR BILL PLEASE CALL US BETWEEN 7:00 A.M. AND 4:30 P.M. MONDAY THROUGH FRIDAY.  
YOU MAY RECEIVE A SEPARATE BILL FOR PATHOLOGISTS, RADIOLOGISTS READING, AND EMERGENCY ROOM PHYSICIANS.

POSTING DATE	SERVICE CODE	ORDER NO.	SERVICE DESCRIPTION	QUANTITY	UNIT CHARGED	TOTAL CHARGED
07/26	1105	93	EK EKG 12 LEAD PC93010	1	65.00	65.00
			TOTAL Professional Fees EKG			65.00
			TOTAL CHARGES			54,432.96
09/21	I906	906	NEVADA STATE PRISON 40	0		-40,824.72
08/11	A806	747	NEVADA STATE PRISON C/A 40	0		-13,608.24
			TOTAL PAYMENTS/ADJUSTMENTS			-54,432.96
THANK YOU					ACCOUNT BALANCE	0.00



# STATE OF NEVADA

## CERTIFICATION OF VITAL RECORD

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### DIVISION OF HEALTH VITAL STATISTICS

### CERTIFICATE OF DEATH

**2009013835**  
STATE FILE NUMBER

TYPE OR PRINT IN PERMANENT BLACK INK	1a. DECEASED NAME (First, Middle, Last, Suffix) <b>Nolan Edward KLEIN</b>				2. DATE OF DEATH (Mo/Day/Year) <b>September 20, 2009</b>		3a. COUNTY OF DEATH <b>Carson City</b>		
	3b. CITY, TOWN, OR LOCATION OF DEATH <b>Carson City</b>				3c. HOSPITAL OR OTHER INSTITUTION - Name (if not enter, give street and number) <b>1721 E. Snyder Ave</b>		3e. If Hosp. or Inst., indicate D.O.A., O.P., Inst., Res. Irresistible (Specify) <b>Northern Nevada Correctional Center</b>		
DECEDENT	5. RACE <b>White</b>		6. Hispanic Origin? Specify <b>No - Non-Hispanic</b>		7a. AGE - Last birthday (Years) <b>54</b>		7b. UNDER 1 YEAR MOS    DAYS    HOURS    MINS		
	9a. STATE OF BIRTH (If not U.S.A., name country) <b>California</b>		9b. CITIZEN OF WHAT COUNTRY <b>United States</b>		10. EDUCATION <b>16</b>		11. MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify) <b>Divorced</b>		
IF DEATH OCCURRED IN INSTITUTION, SEE HANDBOOK REGARDING COMPLETION OF RESIDENCE ITEMS	13. SOCIAL SECURITY NUMBER <b>530-52-7616</b>				14a. USUAL OCCUPATION (Give Kind of Work Done During Most of Working Life, Even if Retired) <b>Paralegal</b>		14b. KIND OF BUSINESS OR INDUSTRY <b>Law</b>		
	15a. RESIDENCE - STATE <b>Nevada</b>		15b. COUNTY <b>Carson City</b>		15c. CITY, TOWN OR LOCATION <b>Carson City</b>		15d. STREET AND NUMBER <b>1721 E. Snyder Ave</b>		
PARENTS	16. FATHER - NAME (First Middle Last Suffix) <b>Johnny KLEIN</b>				17. MOTHER - NAME (First Middle Last Suffix) <b>Eunice WILKINSON</b>				
	18a. INFORMANT - NAME (Type or Print) <b>Tonia BROWN</b>				18b. MAILING ADDRESS (Street or R.F.D. No., City or Town, State, Zip) <b>2907 Lukens Lane Carson City, Nevada 89706</b>				
DISPOSITION	19a. BURIAL, CREMATION, REMOVAL, OTHER (Specify) <b>Cremation</b>		19b. CEMETERY OR CREMATORY - NAME <b>Walton's Sierra Crematory</b>		19c. LOCATION - City or Town - State <b>Carson City Nevada 89706</b>				
	20a. FUNERAL DIRECTOR - SIGNATURE (Of Person Acting as Such) <b>RICK NOEL</b>		20b. FUNERAL DIRECTOR LICENSE <b>620</b>		20c. NAME AND ADDRESS OF FACILITY <b>Walton's Chapel of the Valley 1261 N. Roper Carson City NV 89706</b>				
TRADE CALL - NAME AND ADDRESS									
CERTIFIER	21a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated. (Signature & Title) <b>SIGNATURE AUTHENTICATED KAREN ANN GEDNEY M.D.</b>				22a. On the basis of examination and/or investigation, in my opinion, death occurred at the time, date and place and due to the cause(s) stated. (Signature & Title)				
	21b. DATE SIGNED (Mo/Day/yr) <b>September 22, 2009</b>		21c. HOUR OF DEATH <b>18:20</b>		22b. DATE SIGNED (Mo/Day/yr)		22c. HOUR OF DEATH		
REGISTRAR	21d. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)				22d. PRONOUNCED DEAD (Mo/Day/yr)		22e. PRONOUNCED DEAD AT (Hour)		
	23a. NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER) (Type or Print) <b>Karen Ann Gedney M.D., P.O. Box 7000 Carson City, NV 89702</b>				23b. LICENSE NUMBER <b>5236</b>				
CAUSE OF DEATH	24a. REGISTRAR (Signature) <b>CHRISTINA GRIFFITH</b>				24b. DATE RECEIVED BY REGISTRAR (Mo/Day/yr) <b>September 24, 2009</b>		24c. DEATH DUE TO COMMUNICABLE DISEASE <b>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></b>		
	25. IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c))				26. AUTOPSY (Specify Yes or No) <b>No</b>		27. WAS CASE REFERRED TO CORONER (Specify Yes or No) <b>Yes</b>		
CONDITIONS IF ANY WHICH GAVE RISE TO IMMEDIATE CAUSE - STATING THE UNDERLYING CAUSE LAST	PART I (a) <b>Respiratory Arrest</b>				Interval between onset and death				
	(b) <b>Hepatic Coma</b>				Interval between onset and death				
STATE REGISTRAR	(c) <b>Hepatitis C</b>				Interval between onset and death				
	(d) <b>Hepatitis C</b>				Interval between onset and death				
28a. ACC - SOURCE FROM, UNDER OR PENDING INVEST. (Specify)				28b. DATE OF INJURY (Mo/Day/yr)		28c. HOUR OF INJURY		28d. DESCRIBE HOW INJURY OCCURRED	
28e. INJURY AT WORK (Specify Yes or No)				28f. PLACE OF INJURY - At home, farm, street, factory, office, building, etc. (Specify)		28g. LOCATION - STREET OR R.F.D. No. - CITY OR TOWN - STATE			

STATE REGISTRAR

294556

CERTIFIED COPY OF VITAL RECORDS

This is a true and exact reproduction of the document officially registered and placed on file in the office of the State Registrar and Vital Records.

DATE ISSUED: **OCT 01 2009**

This copy is not valid unless prepared on engraved border displaying state seal and signature of Registrar

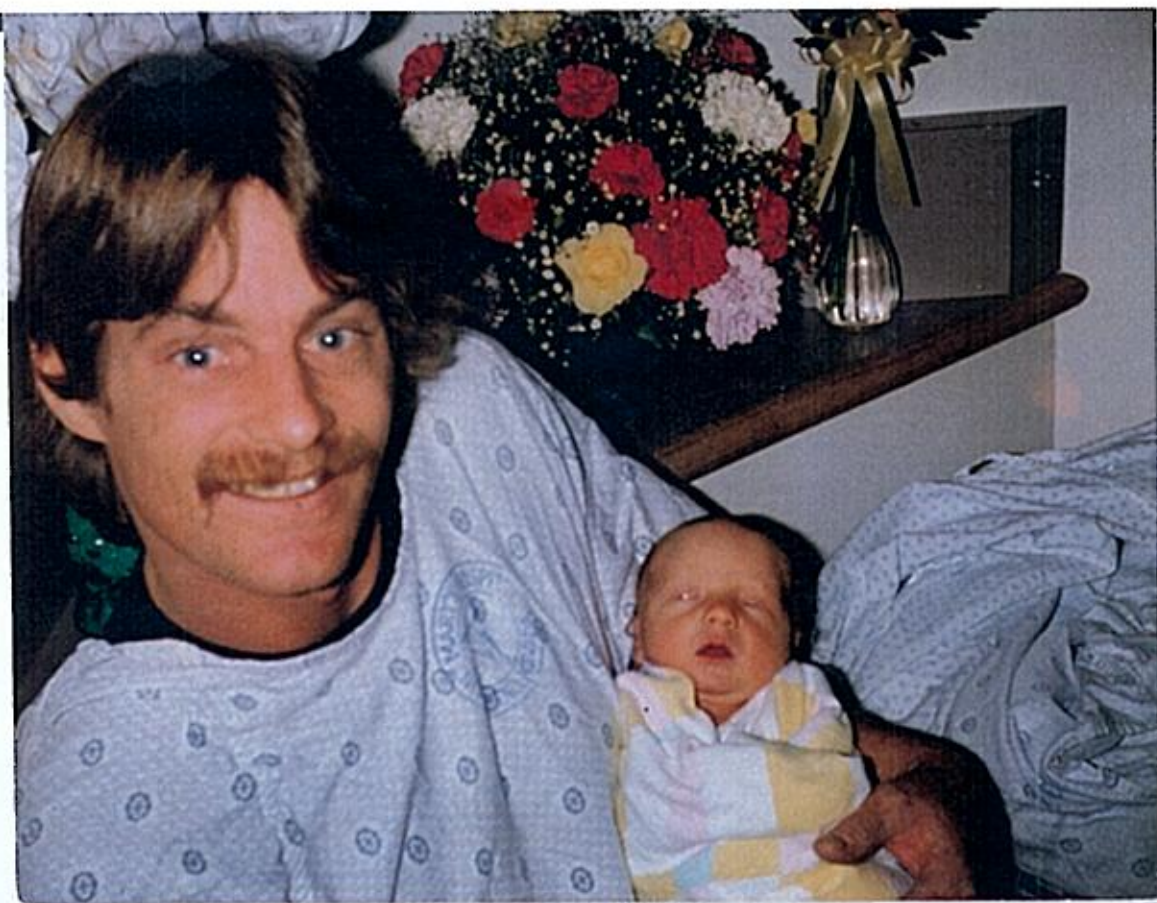
STATE REGISTRAR

ANY ALTERATION OR ERASURE VOID THIS CERTIFICATE



# **EXHIBIT 1**

# **EXHIBIT 1**





September 4, 2009

OFFICE OF THE ATTORNEY GENERAL  
CARSON CITY, NEVADA

*Chm* SEP 08 2009

Dear Mr. Stephen Quinn,

Per our conversation I am providing you with some of the NEWLY DISCOVERED EVIDENCE that was located in the Washoe County District Attorney's file they had on my INNOCENT brother Mr. Nolan Klein. In May 2009 Washoe County Judge Brent Adams ordered Washoe County District Attorney to turn over the DNA test results and the entire file in my brother's case. On June 10, 2009 evidence was discovered within this file that does support Mr. Klein's appeal that allege's ineffective assistance of counsel that is now pending before the 9th Circuit Appeals.

In this file notes were made by then prosecuting attorney Mr. Ronald Rachow. These notes by Mr. Rachow made reference to NOT GOING TO TURN OVER THE EXCULPATORY EVIDENCE in spite of Judge Peter Breen's December 6, 1988 Court Order to turn over all the evidence that is favorable to Mr. Klein's guilt or innocence. In this Order Judge Breen even orders that if Mr. Rachow does not know what is exculpatory evidence that Mr. Rachow is to turn over the evidence to the Court and he will make that determination. Mr. Rachow defied Judge Breen's Order, knowing perfectly well that he was in violation of Brady V Maryland.

The June 10, 2009 NEWLY DISCOVERED EVIDENCE it shows that Ms. Shelly T. O'Neill was ineffective when she instructed Mr. Nolan Klein to contact state's witness, Louanne Gritter. Statements from Ms. Gritter were found in this file. These statements were exculpatory evidence that has hidden from the defense. However, had Ms. O'Neill done her job properly and not have asked Mr. Klein to contact Ms. Gritter to see why she was listed as a State's witness, Ms. O'Neill would have found this information herself. In these statements Ms. Gritter to Mr. Rachow states that she has been receiving and accepting collect calls from Mr. Klein. She makes reference to these calls and Mr. Klein asking if she has spoken to his attorney, Ms. O'Neill? Ms. Gritter informs Rachow that she does not want to speak to Ms. O'Neill basically she is afraid that if she talks to her she will find out about all the crimes she has committed. In statements made by Ms. Gritter it shows that she was the link to the police when Nolan was coming back to Reno. That she talks about Nolan Klein's voice and Marty Klein's voice how they sound a like when they call. However, I don't have that problem to distinguish the voices. In another statement she goes on to state that she will be able to identify Nolan Klein's voice on the 911 call. Interestingly enough in 1991 Ms. Gritter contacts Mr. Rachow to inform him that Nolan had heard that she was the Secret Witness. Why after 3 years would she still be in contact with Rachow?

Had Ms. O'Neill been effective as Counsel, Ms. O'Neill would have realized that something was not right when she had filed the Motion for Discovery because, Mr. Rachow was not being forthcoming in turning over the evidence to her. Mr. Rachow went so far as to file a Motion in Opposition of her Motion for Discovery. Mr.



Rachow was fighting tooth and nail not to turn it over, however, Judge Breen's ordered Mr. Rachow to do so. Ms. O'Neill was ineffective when Mr. Rachow turned over the evidence when there was nothing in evidence that showed any information regarding Ms. Gritter. Any effective Attorney would know that a state's witness is not going to be listed unless there is something to base a reason on as to what and why they would be called as witness. To sum it up, WHERE DID THEY GET MS. LOUANNE GRITTER'S NAME FROM? THERE WOULD HAVE TO BE SOME KIND OF STATEMENT FROM THIS WITNESS. Had Ms. O'Neill been effective, she would have CONTACTED THE COURT AND INFORMED JUDGE PETER BREEN THAT MR. RACHOW DID NOT TURN OVER THE EVIDENCE, BECAUSE, NOTHING IN THE FILE SHOWED WHY MS. GRITTER SHOULD HAVE BEEN LISTED AS A WITNESS. This would have sent a RED FLAG TO JUDGE BREEN causing him to Order Mr. Rachow to turn over the entire file in the case. Just like what has recently happened in Mr. Klein's case when Judge Brent Adams ordered DA Dick Gammick to turn over the entire file case and now we know that truth and the truth is this.

Another document found in the file pertained to Mr. Klein's brother, Martin he states he is not talking to anyone. Mr. Klein was then brought to trial and then was sent away by Mr. Rachow, had Ms. O'Neill informed Judge Breen that Mr. Rachow had not turned over any reports on Det. Boxx's conversation with Mr. Martin Klein, she would have discovered that Mr. Rachow, had information that would have supported Mr. Klein's defense. If Ms. O'Neill would have done her job instead of illiciting the help from Mr. Klein's family, such as, when Ms. Klein, was asked by Ms. O'Neill about State's witness, Don Lutzenberg, our mother was able to track down Mr. Lutzenberg. She gave Ms. O'Neill that information and Ms. O'Neill decided not to look into the matter since Mr. Rachow informed her that they were not going to call him after all as a witness. Mr. Lutzenberg had written the license plate and it was not Nolan's. Again, if Ms O'Neill had informed Judge Breen as to Mr. Rachow not disclosing information on Mr. Lutzenberg, Judge Breen would have ordered the file to be turned over to him. This is clearly a case of ineffective assistance of counsel.

Mr. Rachow had hidden all of the exculpatory evidence from the defense that showed that the Sparks Police Department's theory was that Mr. Rickey Lee Zarsky was thought to have committed the crime for which Mr. Klein was convicted of. That in this file other victims from other crimes had cleared Mr. Klein of those crimes, even though, the suspect matched the description of Mr. Zarsky and not Mr. Klein. That the weapon used in the crime, a red and black was also used in another crime, however, Mr. Klein that he used for construction that was admitted into evidence was not a red and black handled knife. Statements from Det. Sherman Boxx clearly showed that he had believed Mr. Klein was responsible for a bank robbery in Washington, only to have the FBI confirm otherwise, thus, supporting Mr. Klein's claim of mistaken identity. Other evidence was in this file. Over the years we always believed that Mr. Rachow hid this information but we could never prove it until June 10, 2009 and had Ms. O'Neill done her job we would have known about this and in all probability this case would have never gone to trial. Especially, if Ms. O'Neill had filed a Motion to have the evidence suppressed that was



obtained by No Miranda Warning. This included a photo line taken of Mr. Klein that was shown to the victim in which, a positive ID was made.

As of to date 147 people have been shown this same photo lineup and they have picked Mr. Klein out of the same photo lineup that was shown to the victim. The lineup is so tainted that in law enforcement agency throughout our country this kind of photo lineup array are no longer used, because, it has led to wrongful convictions. In fact, as an Advocate for the inmates and the Innocent I testify before the legislative bodies, including the Advisory Commission on the Administration of Justice. On June 9, 2008 I testified as to why they need to recommend to our legislature why our state should conduct a case study on wrongful convictions and provided them the documents in support of mistaken identity in Mr. Klein's case, that would include testimony from the victims, defense, suspect, crimes, photo line up and other such documents,

It should also be noted that on March 2, 2007, I spoke before the Committee that was being held in order to hire the new attorney to oversee the Washoe County Public Defenders Unit. Ms. O'Neill was being considered for the position. While in the presence of Ms. O'Neill I presented evidence that supported that Ms. O'Neill was ineffective in Mr. Klein's case. I also provided the evidence that Ms. O'Neill had admitted to me that she had COMMITTED PERJURY DURING THE 1991 POSTCONVICTION HEARING. When asked by the Committee is she had anything to say, she replied, NO!

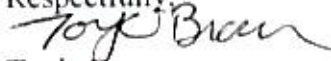
As an Advocate and a taxpayer who often brings attention to our Legislative bodies the considerable amount of money we are spending to defend cases against the inmates, that our state is losing, I find myself not only as a person of a loved one who has been wrongfully convicted but as taxpayer who knows how much it cost the state to house Mr. Klein, and pay his high amount of medical bills that continue to climb. Recently Mr. Klein was admitted into Carson Regional Medical Center where he was placed in intensive care for 4 days. Mr. Klein's health is declining. I want Mr Klein's last days to with his family and friends, not in a prison where he does not belong, because, of incompetent legal representation.

Mr. Quinn, I appreciate your willingness to turn this NEWLY DISCOVERED EVIDENCE over to Mr. Weiland who is handling the State's case against Mr. Klein in the 9th Circuit Court of Appeals. These documents do support Mr. Klein's claims and therefore, I ask that you hold true to your word that you will ask Mr. Weiland with the NEWLY DISCOVERED EVIDENCE that would it be in the best interest of the State of Nevada to pull out of the 9th Circuit Court of Appeals? I say yes, by doing so the State will be less burdened in legal costs to defend the State. An innocent man will not have to die prison and the cost of litigation that is pending in court will be lessened for the state by Mr. Klein's release.

I have attached the documents. I ask that this be dealt with quickly so that Mr. Klein will be able to spend some quality time with his family and friends. In the meantime, Motion

for a new trial based on newly discovered evidence that was withheld from the defense. It should also be noted that I have Mr. Klein's Power of Attorney to see to it that all of his legal matters now and in the future are pursued.

Respectfully,



Tonja Brown

2907 Lukens Lane

Carson City, NV 89706

671-5037

cc: The Advisory Commission on the Administration of Justice  
Board of Prison Commissioners  
Mr. Nolan Klein  
file



July 13, 2009

Sparks City Council Members:

As an Advocate for the Innocent I base my request for the following. I ask that you place on your upcoming Agenda to discuss a future Oversight Policy regarding the Sparks Police Department's evidence and the way it is handled when it is turned over to the District Attorney's Office. I ask that the policy be that the Defense must be provided a copy of the list of evidence that was provided to the District Attorney Office.

We must put in place safeguards for those who have maintained their Innocence and in all fairness that a Defendant receives a fair and impartial trial. The Innocent should not have wait years if not decades because of an Honest Mistake that was made with regard to the evidence or it being intentionally withheld to get a conviction by an overzealous prosecutor. There are no laws that preclude a law enforcement agency from providing the Defense with a copy of what was provided to the District Attorney's office. Nor should there be.

I base this information on what has come to light after 21 years. Recently, a Washoe County District Court Judge has ordered District Attorney, Dick Gammick to turn over the entire file in Mr. Nolan Klein's case. Mr. Klein has always maintained his innocence and his defense was based on MISTAKEN IDENTITY, that someone else had committed the crime. We now know that there have more innocent people wrongfully convicted thru eyewitness testimony than any and all other factors combined.

It now appears that ADA Ron Rachow purposely withheld from the Defense all of the Exculpatory Evidence in this case. Including Commander Steve Asher's police report attached on their prime suspect, one Mr. Ricky Lee Zarsky. This report along with several other pieces of evidence that was turned over by the Sparks Police Department in 1988 never made it trial because Ron Rachow withheld this evidence.

For 21 years the Washoe County District Attorney's have kept this secret buried until now. ADA Mr. Helzer even went to the Pardons Board knowing that this information was withheld from the Defense and he said nothing, however, he went so far as to state that he spoke to Commander Asher about this case. On July 1, 2009 I had a long conversation with Commander Asher. At first Commander Asher stated to me that he has not talked about this case since the late 1980's or 1990's, since trial. I asked

Commander Asher why he never mentioned Mr. Zarsky's during the trial? He said because he wasn't asked. When I asked if he had spoken to Mr. Helzer he said "NO". He then asked me why would he be speaking to Mr. Helzer? I then informed him about what Mr. Helzer said at the Pardons Board. Commander Asher went from NOT ever speaking to Mr. Helzer about this case to him to not recalling whether or not he did or didn't speak to him about Mr. Klein.

I ask the Sparks City Council to implement a policy for the Sparks Police Department that when they turn over the evidence to the District Attorney, that they also provide to the Defense a copy of what was turned over to the DA. This will secure any chances of an honest mistake being made or malicious intent. Then it will be left up to the court to decide what is or is not admissible for trial.

I also ask that you please notify me of the upcoming Agenda so that I may be present and provide you with any other documents that may be needed in support of this new policy.

Respectfully,

Tonja Brown  
2907 Lukens Lane  
Carson City, NV 89706  
775-671-5037



Note: Below is a link that was placed on the record during the June 9, 2008 hearing of The Advisory Commission on the Administration of Justice. I presented information and documents in support of doing a Nevada case study that was being considered on wrongful convictions obtained thru misidentification of photo lineups, eyewitness testimony.

[http://www.leg.state.nv.us/74th/Interim\\_Agendas\\_Minutes\\_Exhibits/Exhibits/AdminJustice/E060908P.pdf](http://www.leg.state.nv.us/74th/Interim_Agendas_Minutes_Exhibits/Exhibits/AdminJustice/E060908P.pdf)



# Nevada

## Man robs shoe store, sexually assaults clerk

Sparks police are looking for a knife-wielding man who robbed a shoe store, sexually assaulted a clerk and then notified police.

A detective said he unidentified suspect's description was very similar to a man who kidnapped, robbed and attempted to sexually assault a woman on El Rancho Drive April 21.



The suspect

The latest case occurred at a shoe store on Prater way. As two female employees, 18 and 20, were closing shortly before 9 p.m. Monday, a thin, dirty-looking man brandished a knife and abduct one of them. He ordered her to put down a telephone and forced both victims to sit on the floor in a restroom. When he had a gun, he ordered them not to move, police said. Then, he went to the front of the store, rifled a cash drawer, locked the door and returned to the restroom. He took one of the women to another room and sexually assaulted her. At 10:15 p.m., a man telephoned Sparks police, saying, "There are two girls tied up in the back room" of the store. "I robbed them." On Tuesday, police released a composite drawing of the man. They described him as Caucasian, 30 to 35 years old, about 5 feet 10 inches tall, weighing about 145 pounds and having dark eyes, sandy-blond hair.

This composite sketch of the suspect was shown to the defense witnesses by Ms. Wilkins. This Hillman, Bill Richards, who said this composite is not Nolan's Nolan had adult beard this night of the crime. P.O. never mentioned adult beard even during trial because she was looking at the photo of Nolan's away from photo-line showing beard.

exhibit #3

Nolan's victim, checked April 21st victim, checked Nolan's report 88-4238



Filing Date: 06-Oct-2009  
 Case Type: CR - CRIMINAL  
 Status: 3060 - Ord Granting Mtn

# Case Cross Reference

Cross Reference Number  
 37336  
 SCN 52019

## Case Parties

Seq	(top)	Assoc	End Date	Type	Name	ID
2				PLTF - Plaintiff	STATE OF NEVADA, STATE	
3		2		DA - District Attorney	Gammick, Esq.,	1510
4				DEFT - Defendant	Richard Allen	
5		4		PD - Public Defender	KLEIN, NOLAN	@72821
6		5		APPO - Appellant/Deft or Respondent	EDWARD	
7		4		PROP - Pro Per - Ptf/Pet/Appellant	Specchio, Esq.,	1017
8		3		RESL - Respondent/Ptf or Petitioner	Michael R.	
9		2		DA - District Attorney	KLEIN, NOLAN	@72821
10				JUDG - Judge	EDWARD	
11		4		APPE - Appellant	KLEIN, NOLAN	@72821
12		11		PRDP - Pro Per - Ptf/Pet/Appellant	EDWARD	
13		2		RESP - Respondent	STATE OF NEVADA, STATE	
14		13		DATY - Attorney - Deft/Adverse/Resp	Hatlestad, Esq., Gary	1525
19		4		DATY - Attorney - Deft/Adverse/Resp	Howard	
					ADAMS BRENT	D5
					KLEIN, NOLAN	@72821
					EDWARD	
					KLEIN, NOLAN	@72821
					EDWARD	
					STATE OF NEVADA, STATE	
					Hatlestad, Esq., Gary	1525
					Howard	
					Hager, Esq. Robert R.	1452

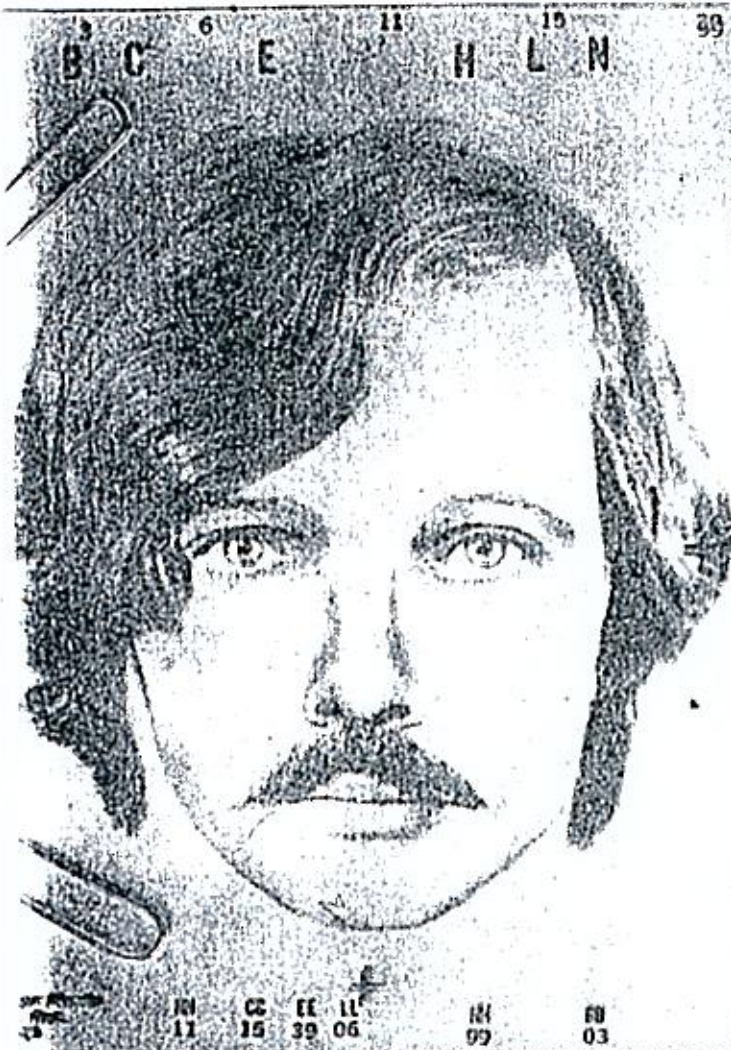
## Event Information

Scheduled Date and Time	Hearing Judge	Event Description	Outcome
1. 07-Apr-2009 at 08:14	Honorable BRENT ADAMS	S1 - Request for Submission	\$200 - Request for Submission Completed filed on: 09-Apr-2009 Extra Text
2. 14-Jan-2009 at 14:46	Honorable BRENT ADAMS	S1 - Request for Submission	\$200 - Request for Submission Completed filed on: 21-Jan-2009 Extra Text ORDER
3. 26-Jun-2008 at 10:00	Honorable BRENT ADAMS	S1 - Request for Submission	\$200 - Request for Submission Completed filed on: 26-Jun-2008 Extra Text ORDER
4. 13-May-2008 at 14:45	Honorable BRENT ADAMS	S1 - Request for Submission	\$200 - Request for Submission Completed filed on: 16-May-2008 Extra Text order

## Docket Entry Information

Docket Description	Date Filed	Extra Text
1. 3050 - Ord Granting Mtn	04-May-2009	Extra Text: TO COMPEL - Transaction 749838 - Approved By: NOREVIEW_05-04-2009 14:36:55
2. 3795 - Reply...	27-Apr-2009	Extra Text: REPLY TO RESPONSE TO MOTION TO COMPEL PRODUCTION OF EXCULPATORY EVIDENCE
3. 3860 - Response...	21-Apr-2009	Extra Text: RESPONSE TO MOTION TO COMPEL PRODUCTION OF EXCULPATORY EVIDENCE
4. 4145 - Supreme Court Remittitur	15-Apr-2009	Extra Text: SUPREME COURT CASE NO. 52019
5. 4111 - Supreme Ct Clk's Cert & Judg	15-Apr-2009	Extra Text: SUPREME COURT CASE NO. 52019
6. 4134 - Supreme Court Order Affirming	15-Apr-2009	Extra Text: SUPREME COURT CASE NO. 52019
7. 3370 - Order...	09-Apr-2009	Extra Text: STATE HAS 15 DAYS TO RESPOND TO DEFENDANT'S MOTION TO COMPEL. DEFENDANT HAS FIVE DAYS FROM THE STATE'S RESPONSE TO REPLY.
8. 3850 - Request for Submission	03-Apr-2009	Extra Text: DOCUMENT TITLE: MOTION TO COMPEL PRODUCTION OF EXCULPATORY EVIDENCE PARTY SUBMITTING: ROBERT HAGER DATE SUBMITTED: 04-06-09 SUBMITTED BY: C GALINDO DATE RECEIVED JUDGE OFFICE
9. 1325 - ** Case Reopened	03-Apr-2009	Extra Text
10. 4134 - Supreme Court Order Affirming	13-Mar-2009	Extra Text: SUPREME COURT CASE NO. 52019
11. 3370 - Order...	21-Jan-2009	Extra Text: MOTION TO COMPEL IS STAYED UNTIL RESOLUTION OF APPEAL TO THE SUPREME COURT
12. 1315 - ** Case Closed	21-Jan-2009	Extra Text
13. 3860 - Request for Submission	14-Jan-2009	Extra Text: DOCUMENT TITLE: MOTION TO COMPEL PRODUCTION OF EXCULPATORY EVIDENCE PARTY SUBMITTING: ROBERT HAGER DATE SUBMITTED: 01-14-09 SUBMITTED BY: C GALINDO DATE RECEIVED JUDGE OFFICE
	14-Jan-2009	Extra Text
		Extra Text: MOTION TO COMPEL PRODUCTION OF EXCULPATORY EVIDENCE PARTY SUBMITTING: ROBERT HAGER DATE SUBMITTED: 01-14-09 SUBMITTED BY: C GALINDO DATE RECEIVED JUDGE OFFICE





DATE AND TIME OCCURRED:

5.9-88

LOCATION OF OCCURRENCE:

DESCRIPTION OF SUSPECT

RACE:

SEX:

AGE GROUP:

W

M

30

HEIGHT:

WEIGHT:

BUILD:

5'9.5"

130

SKINNY

COMPLEXION:

HAIR COLOR  
AND LENGTH:

EYES

TAN

Sandy / B/O

BR

IDENTIFYING MARKS:

JEWELRY:

NONE

NONE

SUSPECT CLOTHING DESCRIPTION:

Levi's Jacket

Levi's - Very Dirty

SUSPECT VEHICLE DESCRIPTION

MAKE:

MODEL:

YEAR:

COLOR:

LICENSE #:

STATE:

FURTHER VEHICLE DESCRIPTION:

DENTI-KIT CODE FOIL NUMBERS:

PROPERTY TAKEN BY SUSPECT:

U.S. Currency

ILL IN WORK DONE TO COMPOSITE

WEAPON USED BY SUSPECT:

Knife

ILS, REMARKS OR OTHER PERTINENT  
FORMATION:

COMMENTS MADE BY SUSPECT:

COMPOSITE PREPARED BY:

LORRES

PATROL OFFICER:

PHONE #:

DETECTIVE ASSIGNED:

PHONE #: 356-2225



## SUPPLEMENTAL OR CONTINUATION REPORT

aw Type of original report	SEXUAL ASSAULT & ARMED ROBBERY	Date of original report	5/9/88	Case number	88-4892
Victim of complainant	1. RODELA, [REDACTED]; 2. SLOAN, [REDACTED]	Location of original occurrence	543 E. Prater, Sparks	Date and time of supplement	5/10/88 0350 hrs. 1.
Additional details of offense, progress of investigation, etc.					

VICTIM:

1. VICTIM OF SEXUAL ASSAULT & ARMED ROBBERY:  
[REDACTED], [REDACTED]; home address: 650 Jamaica, Apt. #2, in Reno; home phone: [REDACTED]; Employed as manager of Payless Shoe Source, 543 E. Prater in Sparks; work phone: 358-4495; of Sundays, shift varies; [REDACTED].
2. VICTIM OF ARMED ROBBERY ONLY:  
[REDACTED]; home address: 5340 Wildwood in Reno; home phone: [REDACTED]; a student at Wooster High School and works part time at Payless Shoe Source, 543 E. Prater in Sparks; work phone: 358-4495; Works as a Sales Clerk, days off vary; usually works 1:30 p.m. to 9:30 p.m.; [REDACTED].

SUSPECT(S):

Described as a WMA approximately 30-35 YOA, 5'10", 135-140 lbs., thin slender build, blonde hair, and brown eyes; wearing a blue Denim jacket, blue jeans, dirty brown shoes.

SUSPECT(S) STATEMENT:

Not applicable in this case.

OFFICERS INVOLVED AND ASSIGNMENT:

Officer DEBILZAN, Sparks PD, assigned to take Crime Report, obtain statements from victims, and to perform Crime Scene investigation, take photographs of the crime scene, to transport Victim #1 to Washoe Medical Center for Sexual Assault Kit examination to be done by a physician, and to transport Victim #1 back to the Station to talk with Detective TORRES.

Sgt. Ken LIGHTFOOT, Sparks PD, responded to the initial call, took control of the crime scene, and Directed other Officers on the scene.

Detective Frank TORRES, Sparks PD, responded to the crime scene, assisted in the crime scene investigation, had verbal discussions with the victims, took Victim #2 to Sparks PD for interview, took evidence from the crime scene and placed it into safekeeping, and spoke with Victim #1 when she returned from Washoe Med, had an interview and worked on a composite drawing of the suspect.

Officer Roy BURSON, Sparks PD, assigned to search the immediate area around the Iron Horse Shopping Center to look for a suspect and was unable

HIS INFORMATION PROVIDED BY \_\_\_\_\_ ON \_\_\_\_\_ IS RESTRICTED AS TO USE AND DISSEMINATION

This Offense is now

Unfounded ☐

Cleared by Arrest ☐

Cleared Otherwise ☐

Not Cleared (inactive) ☐

OFFICER V. DEBILZAN #8329 Patrol

Date 5/10/88

Investigating Officer

Supervisor Approving

Date 5/10/88

0074

PROSECUTOR



126 DEBILZAN  
SUPPLEMENTAL OR CONTINUATION REPORT

Type of original report <b>SEXUAL ASSAULT</b> <b>&amp; ARMED ROBBERY</b>	Date of original report <b>5/9/88</b>	Case number <b>88-4892</b>
Victim of complaint 1. <b>[REDACTED]</b> 2. <b>[REDACTED]</b>	Location of original occurrence <b>543 E. Prater, Sparks</b>	Date and time of supplement <b>5/10/88 0350 hrs. 2</b>
Additional details of offense, progress of investigation, etc.		

to locate any.

WITNESSES:

1. Victim #1, **[REDACTED]**, can testify to being outside of the business washing the windows and having the suspect come up behind her and grab her and force her into the business. She can testify that the suspect ordered Victim #2 to put the phone down and to go with them into the back room. **[REDACTED]** can also testify that the suspect placed them in the bathroom in the back room, left for a short period of time, returned, ordered them to open the door, and the door was opened by **[REDACTED]**. The suspect ordered **[REDACTED]** out of the bathroom and **[REDACTED]** to stay inside and close the door. She can testify that the suspect made her kneel on her hands and knees in the back room and the suspect removed her panties and nylons and sexually assaulted her. She can also testify that the suspect returned her to the bathroom, told them both to lie down and not try to do anything while the suspect left the area.
2. Victim #2, **[REDACTED]**, can testify to observing **[REDACTED]** struggle with the suspect in front of the store and **[REDACTED]** being brought in through the front door. **[REDACTED]** picked up the telephone, attempted to dial the operator, was ordered to put the phone down, and accompany **[REDACTED]** and the suspect to the back of the store. **[REDACTED]** can testify that she was forced to lie with **[REDACTED]** in the bathroom, the suspect left, returned a short time later, and ordered **[REDACTED]** out of the bathroom. SLOAN can testify that the suspect closed the door and advised her to stay in the bathroom and that she could hear the sounds of conversation between **[REDACTED]** and the suspect and could hear **[REDACTED]** crying and understood the sounds to be the fact that **[REDACTED]** was being sexually assaulted. She can testify **[REDACTED]** returned to the bathroom and the suspect told them both to remain quietly on the floor of the bathroom while he left the premises.

WEAPONS-FORCE USED AND/OR LIST OF ITEMS AND LOSS:

The Weapon used in this case was a knife, a folding knife similar to a Buck knife, possibly with a black & red handle. The suspect carried the weapon in a sheath that was attached to the belt of his trousers on his right hip. The suspect also claimed to have a gun, although it was not seen during the course of the crime. The suspect also used physical force primarily for manhandling Victim #1.

List Of Items And Loss: \$198.00 cash.

HIS INFORMATION PROVIDED BY \_\_\_\_\_ ON \_\_\_\_\_ IS RESTRICTED AS TO USE AND DISSEMINATION

This Offense is now

Unfounded ☐

Cleared by Arrest ☐

Cleared Otherwise ☐

Not Cleared (inactive) ☐

OFFICER V. DEBILZAN #8329 Patrol

Date 5/10/88

Investigating Officer

*[Signature]*

Date 5/10/88

Supervisor Approving

0075

PROSECUTOR



## SUPPLEMENTAL OR CONTINUATION REPORT

ASHER

ERY SEXUAL ASSAULT

Date of original report

5-9-88

Case number

88-4892

SLIPPER SHOES

Location of original occurrence

543 E. Prater

Date and time of supplement

5-23-88 0143

Additional details of offense, progress of investigation, etc.

page 2

alcohol coming from his person, and he inquired where he had been drinking. He stated to me that he had been drinking at Western Village in the main bar area. Later he told me that he had just had 5 or 6 beers, but had just went to the main bar, picked the drinks up, walked around inside of Western Village. It was in my opinion that the individual was too intoxicated at the time to take care of himself and I then placed him under arrest for CPC. Per SGT. DICKSON, I was to transport him back to the station and make contact with a Det. or DET. BOXX who is working this case.

I then contacted DET. SGT. ZARUBI and advised him of what we had and he instructed me to talk with Det. BOXX and attempt to make contact with a 2nd victim of another crime that occurred on 4-21-88, which was also a ROBBERY, KIDNAP AND ATTEMPTED SEXUAL ASSAULT. While the individual was at the station, Officer BENEDETTI located the car to be parked in the 600 blk of Pinemeadows and responded to the vehicle. For further information, please see Officer BENEDETTI's supplement. The individual inquired as to why he was brought to the police station instead of being taken to a detoxification center. I then advised him that he did match a description of the composites of 3 crimes that had been committed in the area. 2 polaroid pictures were taken of the individual at Flakey Jake's by SGT. DICKSON.

It was at this time, that Officer WILMOTT took custody of the individual and transported him to WCSO jail without incident where he was booked for CPC. I then contacted the victim of case #88-4238, advised her that we had a possible vehicle and if it would be possible for her to come down and do a drive by a certain location where the vehicle was parked to see if she could pinpoint the vehicle. The victim advised me that she would be on her way and would be at the station in a little bit. I was then contacted by Det. BOXX. I filled him in on what we had. He stated that he would be at the station shortly. The victim from case #88-4238, showed up at the station. Officer CUNO and I then transported her to the 600 blk of Pinemeadows where we did a driveby of the vehicle. While doing the driveby in the area, the victim was unable to show us any vehicles that possibly matched the vehicle description that she recalled the night of the incident. She was then transported back to the station where she was talked to by Det. BOXX. Lighting conditions at the time of the driveby was dark and the street was poorly lit.

Rachgw wrote

he knea no 19m had been cleared off the other crimes

INFORMATION PROVIDED BY \_\_\_\_\_ ON \_\_\_\_\_ IS RESTRICTED AS TO USE AND DISSEMINATION

This Offense is now

sunded

☐

red by Arrest

☐

red Otherwise

☐Cleared  
(active)☐

ASHER, STEVE 4534 Patrol

Investigating Officer

Date 5-23-88

Supervisor Approving

Date

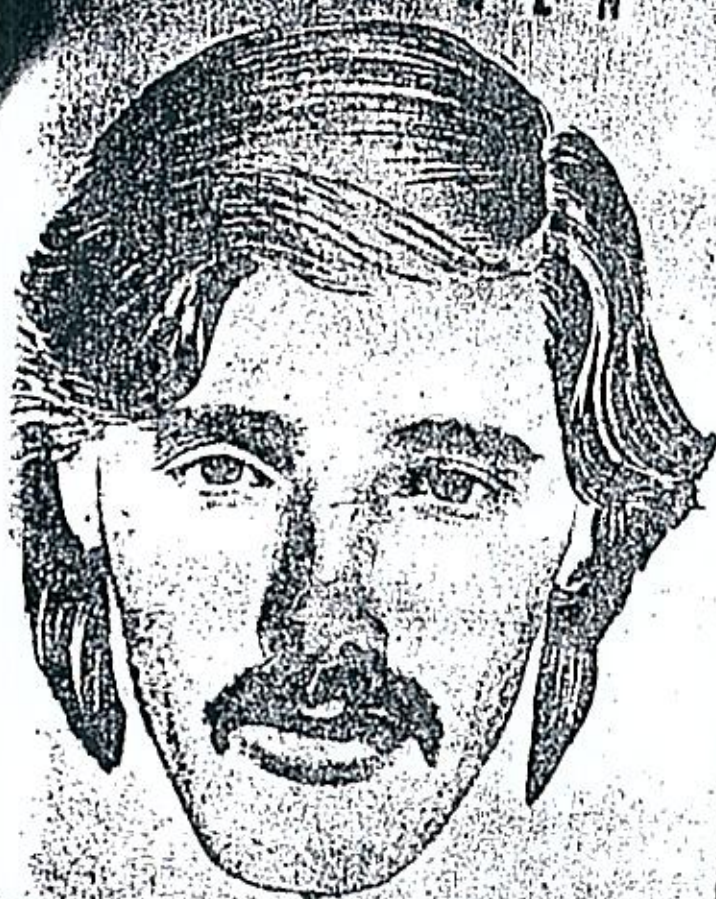
PROSECUTOR

0140



SPARKS POLICE DEPARTMENT  
1125 'C' STREET  
SPARKS, NEVADA 89431  
PHONE: (702) 356-2279

OFFENSE: Robbery/Kidnap  
Attempt - SEXUAL ABUSE  
CASE NO: 88-4238



DATE AND TIME OCCURRED:

4-21-88 @ 0009

LOCATION OF OCCURRENCE:

1800 Block of EL Rancho

RACE:

W

DESCRIPTION OF SUSPECT

SEX:

M

AGE GROUP:

28-30

HEIGHT:

5-10

WEIGHT:

150-155

BUILD:

M

COMPLEXION:

Light

HAIR COLOR  
AND LENGTH:

BRN COLLAR

EYES

UNK

IDENTIFYING MARKS:

NONE

JEWELRY:

NONE

SUSPECT CLOTHING DESCRIPTION:

BRN & Beige Vertical Striped Sweater & Gray Cords  
SUSPECT VEHICLE DESCRIPTION

MAKE:

POSS. A

MODEL:

POSS. A

YEAR:

65-7

COLOR:

Dirty White

LICENSE #:

UNK

STATE:

UNK

FURTHER VEHICLE DESCRIPTION:

BLU GRN IN COLOR

BENCH SEATS

FRONT SEAT HAS SEAT COVER ON BOTTOM HALF ONLY  
PROPERTY TAKEN BY SUSPECT:  
120 BILL 608-18 NECKLACE

WEAPON USED BY SUSPECT:

HANDS

COMMENTS MADE BY SUSPECT:

TO DO WHAT I WANT YOU YOUR GOING TO DO

COMPOSITE PREPARED BY:

C. MICHAEL

PATROL OFFICER: MICHAEL

PHONE #:

SPD 356-2231

DETECTIVE ASSIGNED:

PHONE #:

0155

IDENTIFICATION KIT CODE FOIL NUMBERS:

44009/CC08-ND03-EES0-LL35-NH198-  
DD04-8805

ALL IN WORK DONE TO COMPOSITE

REMARKS OR OTHER PERTINENT INFORMATION:

IS 13 THICKER & SLIGHTLY SHORTER IN BACK

Slightly thicker & Bottom Lip Smaller

the \* Susp. has Speech impairment

A cleft palate



WMA 30-35 5'10" 135-140

THIN BLD. BLONDE BRN (COLLAR)  
CNTR PART

DENIM JKT LEVIS BRN SHOES

TEETH CHIPPED MISSING  
TANNED COMPLEX.

FINE MUSTACHE UNSHAVE

POSS VEH: 67 PONT BONNEVILLE  
DIRTY WHT

~~A~~

BENCH SEATS BW-GRN

KNIFE - LEATHER SHEATH

RED BIK HANDLE ON RT. HIP.

453-96-9927

Same description  
right down to the  
red & Black Knife  
that was used in  
the May 9th crime  
This victim cleaned  
when Rocky how  
withheld older  
0158

✓1693

✓1844

~~2096~~

~~278~~ FI

✓1365 FI

~~3704~~

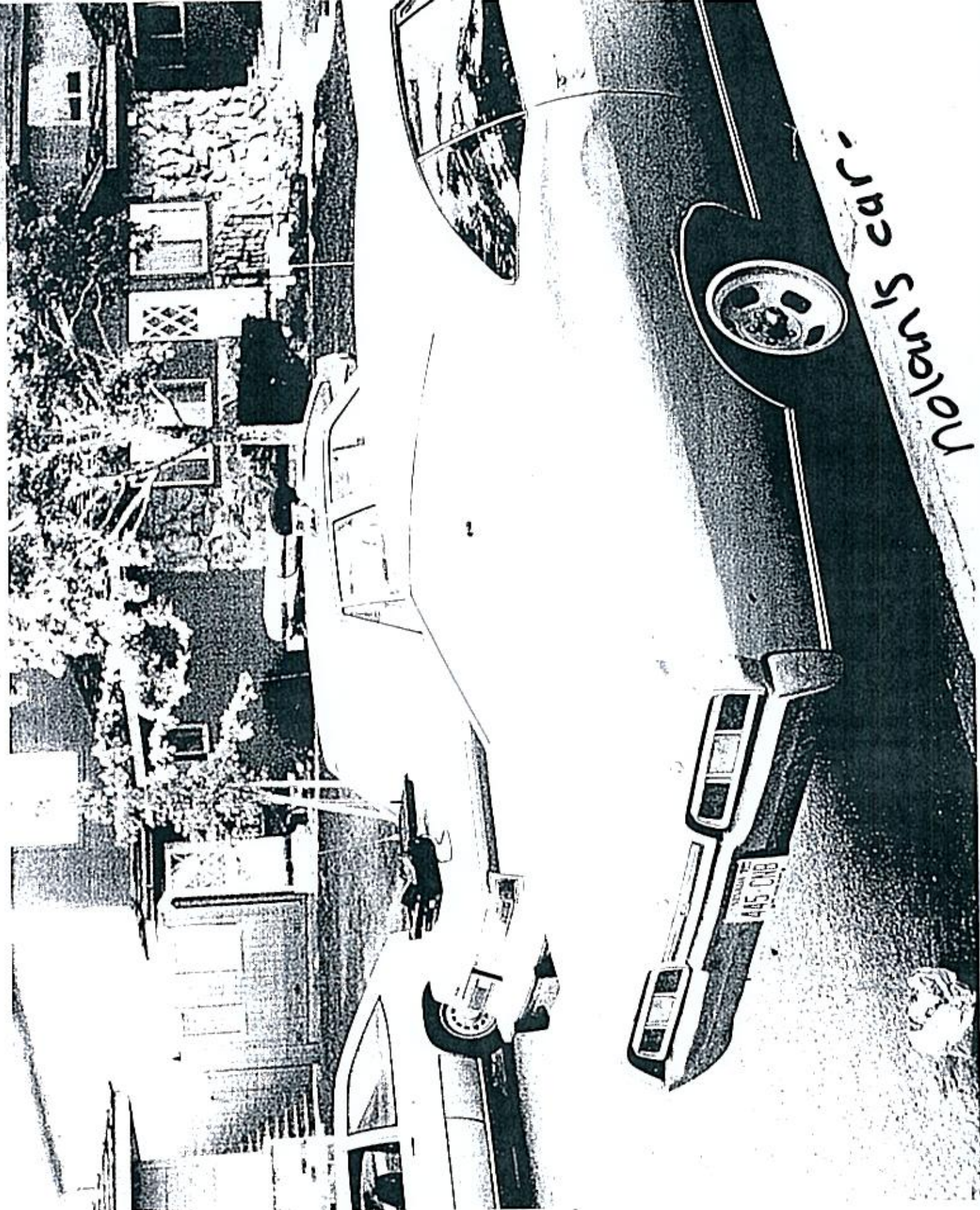
~~4412~~

~~4438~~

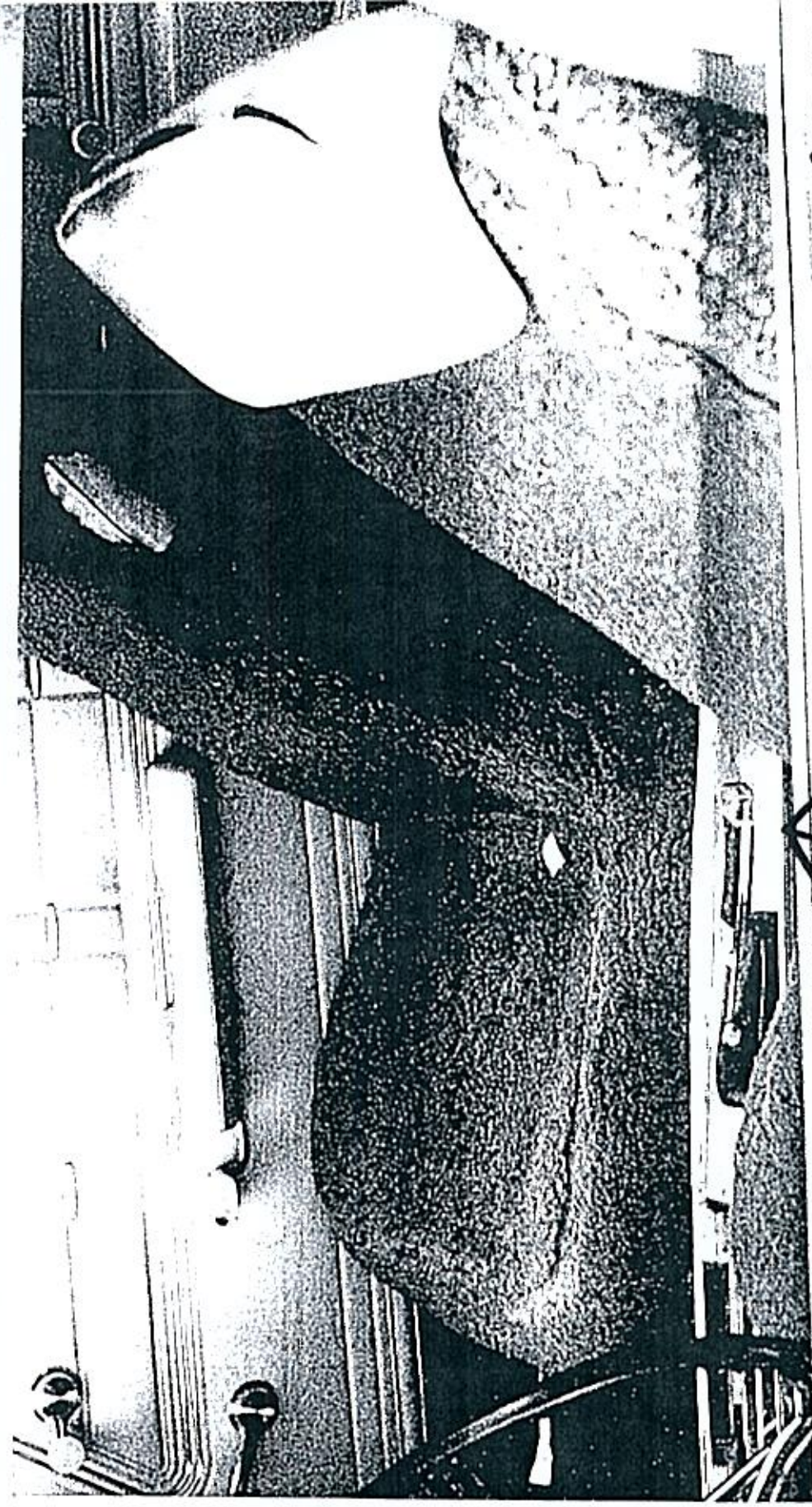
~~5000~~



Volvo is car-







↑ brown wooden knife w/ brass  
bucket seats - not a bench

not red & black -  
95 victims all  
described brown.  
may 9th & April  
21st 1988



SES

## SUPPLEMENTAL OR CONTINUATION REPORT

Type of original report ARM ROB/SEX ASSLT	Date of original report 5-9-88	Case number 88-4892
Victim of complainant RODELLA, T/PAYLESS SHOES	Location of original occurrence 543 E. Prater Way	Date and time of supplement 9-16-88 1000 hrs -3-

Additional details of offense, progress of investigation, etc.

interior of the vehicle revealed in the glovebox area an International Union Laborer's card in the name of N. E. KLEIN. At this time surveillance was set up on the vehicle and the residence and a search warrant obtained for the residence to locate KLEIN. At approxiamtel 1230 hours entry was made to the residence and the subject was taken into custody without incident.

Also located in the vehicle was a paper clipping of a bank robbery in Salmon Creek, Washington, with a picture of the perpetrator from a surveillance camera inside the bank. A contact is being made with the FBI in that jurisdiction as we believe the picture is that of Nolan KLEIN.

DISPOSITION OF CASE:

This case is cleared by Detective ARREST.

END OF REPORT

*FBI cleared  
nolan - withheld  
from Defense*

HIS INFORMATION PROVIDED BY \_\_\_\_\_ ON \_\_\_\_\_ IS RESTRICTED AS TO USE AND DISSEMINATION

This Offense is now

Unfounded ☐

Cleared by Arrest ☐

Cleared Otherwise ☐

Not Cleared (inactive) ☐

Det. BOXX #9452 Det. Div.

9-16-88

*J. Morrow A/Sgt*

Investigating Officer

Supervisor Approving

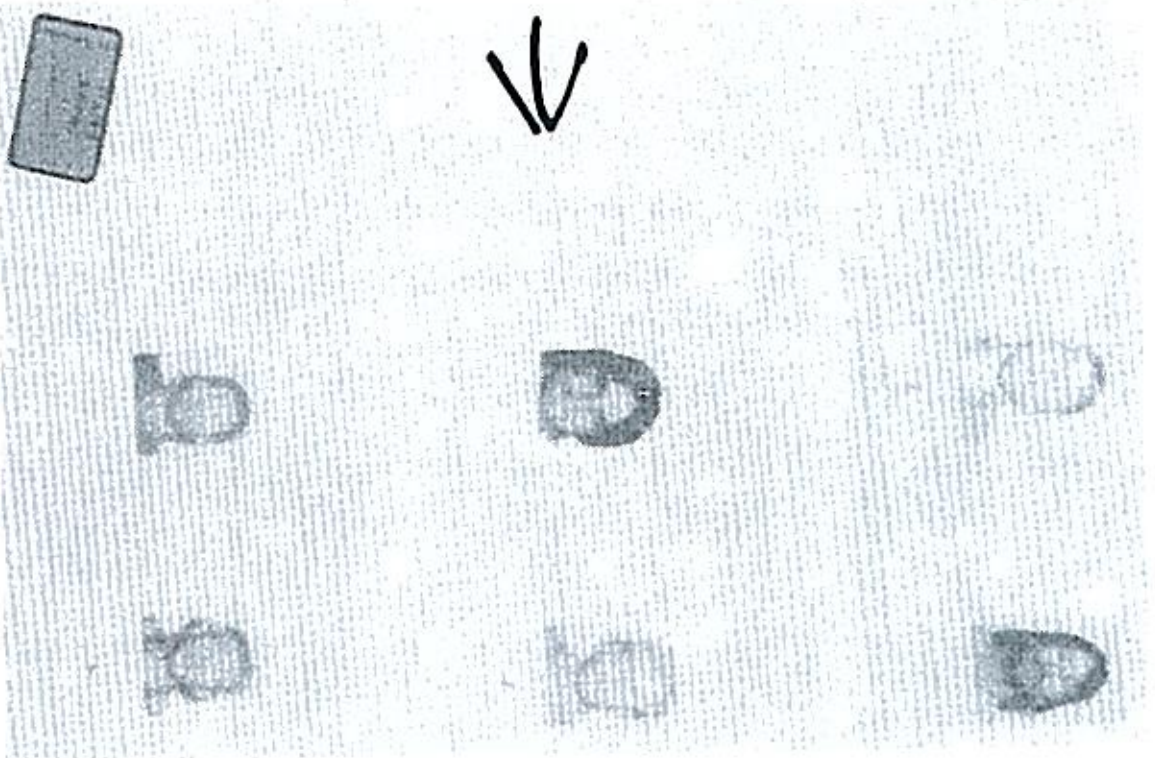
Date

9-16-88

Date

PROSECUTOR

0109



Suspect line up photos

These photo line ups  
are NO longer being used  
by law enforcement agency  
because they have lead  
to wrongful convictions  
147 people have picked

## Nolan out of this line up. CHAPTER FOUR THE ARREST...

Nolan watched Renee and Shane leave for Boise with emotion so diametrically opposed that he truly believed that twin bulls were pitted against one another. Those bulls had with no other mission than to exert all their power to tear him exactly into two parts. He felt a very certain relief at knowing that Renee and Shane were out of Reno for whatever strife Detective Boxx intended to visit upon him. Nolan had spent too much of his life dealing with his own problems, alone, sitting in the juvenile detention facility in Sar Bernardino County, making the money to get a bus ticket back from Denver. He had no reference for dealing with those problems while at the same time protecting Renee and Shane.

Yet he was struck with the emptiness that enveloped him without them. The unmistakable gnawing in the pit of his soul that this farewell was too final, too precious. At that very moment Nolan was half human, half ghost, trying to stay in the real world that would let the real human being, Nolan Klein, make a home with Shane and Renee. The ghost, on the other hand, wanted to disappear so far from Reno that the good detective would never find him.

With more confusion than clarity, he returned to Renee's. He attended to some business that he felt was necessary and spent the rest of the day repairing things around the house just in case he couldn't later.